

(A) the total number of Northeast multispecies permits in each permit category and calculates the maximum potential fishing capacity of vessels holding such permits based on the principal gear, gross registered tonnage, engine horsepower, length, age, and other relevant characteristics;

(B) the total number of days at sea available to the permitted Northeast multispecies fishing fleet and the total days at sea weighted by the maximum potential fishing capacity of the fleet;

(C) an analysis of the extent to which the weighted days at sea are used by the active participants in the fishery and of the reduction in such days as a result of the fishing capacity reduction program; and

(D) an estimate of conservation benefits (such as reduction in fishing mortality) directly attributable to the fishing capacity reduction program.

(Pub. L. 99-659, title III, §308, Nov. 14, 1986, 100 Stat. 3736; Pub. L. 101-627, title V, §§502, 503, Nov. 28, 1990, 104 Stat. 4463; Pub. L. 102-396, title IX, §9135, Oct. 6, 1992, 106 Stat. 1937; Pub. L. 103-206, title VIII, §811, Dec. 20, 1993, 107 Stat. 2454; Pub. L. 103-238, §21, Apr. 30, 1994, 108 Stat. 561; Pub. L. 104-134, title I, §101[(a)] [title II, §211], Apr. 26, 1996, 110 Stat. 1321, 1321-31; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 104-297, title IV, §402, Oct. 11, 1996, 110 Stat. 3618.)

REFERENCES IN TEXT

Public Law 77-539, referred to in subsec. (c)(1), is act May 4, 1942, ch. 283, 56 Stat. 267, which is not classified to the Code.

Public Law 80-232, referred to in subsec. (c)(2), is act July 24, 1947, ch. 316, 61 Stat. 419, which is not classified to the Code.

Public Law 81-66, referred to in subsec. (c)(3), is act May 19, 1949, ch. 128, 63 Stat. 70, which is not classified to the Code.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-297, §402(a)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this chapter \$5,000,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995.”

Subsec. (c). Pub. L. 104-297, §402(a)(2), substituted “\$700,000 for fiscal year 1997, and \$750,000 for each of the fiscal years 1998, 1999, and 2000,” for “\$350,000 for each of the fiscal years 1989, 1990, 1991, 1992, and 1993, and \$600,000 for each of the fiscal years 1994 and 1995.”

Subsec. (d). Pub. L. 104-134, §101[(a)] [title II, §211(1)], substituted “Assistance” for “Grants” in heading.

Subsec. (d)(1). Pub. L. 104-134, §101[(a)] [title II, §211(2)], substituted “help persons engaged in commercial fisheries, either by providing assistance directly to those persons or by providing assistance indirectly through States and local government agencies and non-profit organizations, for projects or other measures to alleviate harm determined by the Secretary to have been incurred” for “award grants to persons engaged in commercial fisheries, for uninsured losses determined by the Secretary to have been suffered”.

Subsec. (d)(3). Pub. L. 104-134, §101[(a)] [title II, §211(3), (4)], substituted “direct assistance to a person” for “a grant” and “net revenues annually from commercial fishing,” for “gross revenues annually.”

Subsec. (d)(4). Pub. L. 104-134, §101[(a)] [title II, §211(5)], added par. (4) and struck former par. (4) which

read as follows: “A person may receive a grant under this subsection for up to 75 percent of any uninsured commercial fishery loss resulting from such a fishery resource disaster (to the extent that such losses have not been compensated by other Federal and State programs), but shall receive no more than \$100,000 in the aggregate for all such losses suffered as a result of any particular fishery resource disaster.”

Subsec. (d)(5). Pub. L. 104-134, §101[(a)] [title II, §211(6)], substituted “for receiving assistance under this subsection” for “for awarding grants under this subsection, including provisions specifying the means by which applicants must demonstrate claimed losses and limiting the aggregate amounts that may be paid to persons that are affiliated with each other or under common ownership.”

Subsec. (d)(7). Pub. L. 104-297, §402(b), added par. (7). 1994—Subsec. (b). Pub. L. 103-238 substituted “\$65,000,000 for each of the fiscal years 1994 and 1995” for “\$2,500,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995”.

1993—Subsec. (c). Pub. L. 103-206 inserted “, and \$600,000 for each of the fiscal years 1994 and 1995,” after “and 1993”.

1992—Subsec. (d). Pub. L. 102-396 added subsec. (d). 1990—Subsec. (a). Pub. L. 101-627, §503(1), substituted “the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995” for “fiscal years 1987, 1988, and 1989”.

Subsec. (b). Pub. L. 101-627, §§502, 503(2), in introductory provisions substituted “the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995” for “fiscal years 1988 and 1989” and added par. (3).

Subsec. (c). Pub. L. 101-627, §503(3), substituted “the fiscal years 1989, 1990, 1991, 1992, and 1993” for “fiscal years 1988 and 1989”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1389, 4103, 4104 of this title; title 15 section 632; title 46 section 12108.

CHAPTER 62—AFRICAN ELEPHANT CONSERVATION

Sec.

- 4201. Statement of purpose.
- 4202. Findings.
- 4203. Statement of policy.

SUBCHAPTER I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE

- 4211. Provision of assistance.
 - (a) In general.
 - (b) Project proposal.
 - (c) Project review and approval.
 - (d) Criteria for approval.
 - (e) Project reporting.
- 4212. African Elephant Conservation Fund.
 - (a) Establishment.
 - (b) Deposits into Fund.
 - (c) Use.
 - (d) Acceptance and use of donations.
- 4213. Omitted.

SUBCHAPTER II—MORATORIA AND PROHIBITED ACTS

- 4221. Review of African elephant conservation programs.
 - (a) In general.
 - (b) Review and determination.
- 4222. Moratoria.
 - (a) Ivory producing countries.
 - (b) Intermediary countries.
 - (c) Suspension of moratorium.
 - (d) Petition.
 - (e) Sport-hunted trophies.
 - (f) Confiscated ivory.
- 4223. Prohibited acts.
- 4224. Penalties and enforcement.
 - (a) Criminal violations.
 - (b) Civil violations.

Sec.

- (c) Procedures for assessment of civil penalty.
- (d) Use of penalties.
- (e) Enforcement.
- 4225. Rewards.
 - (a) In general.
 - (b) Amount.
 - (c) Limitation on eligibility.

SUBCHAPTER III—MISCELLANEOUS

- 4241. Relationship to Endangered Species Act of 1973.
- 4242. Certification under Pelly amendment.
- 4243. Effectiveness of CITES.
- 4244. Definitions.
- 4245. Authorization of appropriations.
- 4246. Multinational Species Conservation Fund.

§ 4201. Statement of purpose

The purpose of this chapter is to perpetuate healthy populations of African elephants.

(Pub. L. 100-478, title II, §2002, Oct. 7, 1988, 102 Stat. 2315.)

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-217, §1, Aug. 5, 1998, 112 Stat. 911, provided that: “This Act [amending section 4245 of this title] may be cited as the ‘African Elephant Conservation Reauthorization Act of 1998’.”

SHORT TITLE

Section 2001 of title II of Pub. L. 100-478 provided that: “This title [enacting this chapter and amending section 1538 of this title] may be cited as the ‘African Elephant Conservation Act’.”

§ 4202. Findings

The Congress finds the following:

- (1) Elephant populations in Africa have declined at an alarming rate since the mid-1970’s.
- (2) The large illegal trade in African elephant ivory is the major cause of this decline and threatens the continued existence of the African elephant.
- (3) The African elephant is listed as threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and its continued existence will be further jeopardized if this decline is not reversed.
- (4) Because African elephant ivory is indistinguishable from Asian elephant ivory, there is a need to ensure that the trade in African elephant ivory does not further endanger the Asian elephant, which is listed as endangered under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and under Appendix I of CITES.
- (5) In response to the significant illegal trade in African elephant ivory, the parties to CITES established the CITES Ivory Control System to curtail the illegal trade and to encourage African countries to manage, conserve, and protect their African elephant populations.
- (6) The CITES Ivory Control System entered into force recently and should be allowed to continue in force for a reasonable period of time to assess its effectiveness in curtailing the illegal trade in African elephant ivory.
- (7) Although some African countries have effective African elephant conservation pro-

grams, many do not have sufficient resources to properly manage, conserve, and protect their elephant populations.

(8) The United States, as a party to CITES and a large market for worked ivory, shares responsibility for supporting and implementing measures to stop the illegal trade in African elephant ivory and to provide for the conservation of the African elephant.

(9) There is no evidence that sport hunting is part of the poaching that contributes to the illegal trade in African elephant ivory, and there is evidence that the proper utilization of well-managed elephant populations provides an important source of funding for African elephant conservation programs.

(Pub. L. 100-478, title II, §2003, Oct. 7, 1988, 102 Stat. 2315.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (3), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

§ 4203. Statement of policy

It is the policy of the United States—

- (1) to assist in the conservation and protection of the African elephant by supporting the conservation programs of African countries and the CITES Secretariat; and
- (2) to provide financial resources for those programs.

(Pub. L. 100-478, title II, §2004, Oct. 7, 1988, 102 Stat. 2316.)

SUBCHAPTER I—AFRICAN ELEPHANT
CONSERVATION ASSISTANCE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 4246 of this title.

§ 4211. Provision of assistance**(a) In general**

The Secretary may provide financial assistance under this subchapter from the African Elephant Conservation Fund for approved projects for research, conservation, management, or protection of African elephants.

(b) Project proposal

Any African government agency responsible for African elephant conservation and protection, the CITES Secretariat, and any organization or individual with experience in African elephant conservation may submit to the Secretary a project proposal under this section. Each such proposal shall contain—

- (1) the name of the person responsible for conducting the project;
- (2) a succinct statement of the need for and purposes of the project;
- (3) a description of the qualifications of the individuals who will be conducting the project;
- (4) an estimate of the funds and time required to complete the project;
- (5) evidence of support of the project by governmental entities of countries within which